

**HIGH COURT OF TRIPURA
AGARTALA**

Crl. A(J) 89 of 2025

- 1. Sri Hawal Das alias Habul Das**, aged 48 years,
son of Harndo Das;
- 2. Smt. Sumitra Das**, aged 45 years,
wife of Sri Hawal Das alias Habul Das along with 6 years old son
Master Bhumi Das
-both are resident of Thanaghrai, P.S. Darai,
Chandpur, District: Sunamganj, Bangladesh
(Now suffering rigorous imprisonment in District Jail, Kailashahar,
District: Unakoti, Tripura

.....**Convicts-Appellants**

Versus

State of Tripura

.....**Respondent**

For the Appellant(s) : Mr. D.K. Das Chaudhury, Adv.

For the Respondent(s) : Mr. Raju Datta, P.P.
Mr. Rajib Saha, Addl. P.P.

Date of hearing & delivery
of Judgment & order : 19.01.2026.

Whether fit for reporting : No

**HON'BLE JUSTICE DR. T. AMARNATH GOUD
J U D G M E N T & O R D E R (O R A L)**

[1] Heard Mr. D.K. Das Chaudhury, learned counsel appearing for the appellants. Also heard Mr. R. Saha, learned Addl.P.P. appearing for the State-respondent.

[2] This present appeal is filed under Section 415(2) read with Section 424 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short BNSS, 2023),

against the judgment and order dated 01.11.2025 passed in case No. ST (Type-2) 17 of 2025 by learned Sessions Judge, District- Unakoti, Kailashahar, Tripura convicting the appellants under section 3, Rule 6(a) Passport (Entry into India) Act, 1920 and Section 14A(a)(b) of the Foreigners Act, 1946 and sentencing each of them to fine of Rs. 5000/- for commission of the offence under Section 3, Rule 6(a) of the Passport (Entry into India) Act, 1920, in default to suffer SI for one month, and rigorous imprisonment for two years and fine of Rs. 10,000/- only in default to suffer SI for two months for commission of the offence under Section 14A(a)(b) of the Foreigners Act, 1946.

[3] By filing the present appeal, the appellants have sought for the following reliefs:

- (i) Admit the appeal,
- (ii) Notice the respondent;
- (iii) Call for the trial Court records,
- (iv) After hearing set aside, the impugned judgment and orders of conviction and sentences and acquit the appellant from the charges leveled against him, in the alternative,
- (v) The appellants may kindly be released reducing the term of sentence to the period of sentence already suffered;
- (vi) The gold and silver ornament and the mobile phones recovered from the appellants may kindly be returned to them, if the appellants are released by the order of Hon'ble High Court;.....”

[4] It is the case of the appellants that in pursuance of the order in criminal proceedings the appellants suffered imprisonment since 28.02.2025 to till day and they only travelled without any proper documents from Bangladesh to India in order to save their lives along with the family members. It is contended that the present situation in Bangladesh is vulnerable wherein the safety and security of the minorities are in stake and to save their lives they are compelled to leave Bangladesh facing communal torture. It is also contended that the entire family of the appellant No.1 is disturbed and whereabouts of his wife and the minor daughter in Tripura also needs to be located. However, as per the version of the State, they are in safe homes under their custody and once the appellants are released, they all would be sent back to their country.

[5] It is brought to the notice of this Court that by a letter dated 07.01.2026 the Under Secretary to the Government of Tripura informed Mr. Rajib Saha, learned Addl. P.P. that the Department does not have any objection if this Court directs to push back the convict persons to their own country i.e. Bangladesh instead of keeping them in jail to suffer imprisonment. The said letter has been perused and the same is kept on record.

[6] Upon hearing the submissions made at the Bar and on perusal of record, this Court is of the opinion that since there is no antecedence against the appellants and considering that in order to protect their minor children and the family members the appellants have entered into Indian boundary, a lenient view may be taken considering this as the first offence in view of the prevailing situation in Bangladesh. Thus, this Court considers that the punishment imposed in the judgment and decree passed by the learned trial Court dated 01.11.2025 passed in case No. ST (Type-2) 17 of 2025 should be modified to the extent the appellants herein have undergone in custody from the date of their arrest to till date and accordingly, the same is ordered. All necessary steps be taken by the State respondent to push-back the appellants alongwith their family members as per procedure.

[7] It is also ordered that the appellant No.1 shall continue to be in prison not as convict and the prisoner authority shall act as a custodian for him and the family members including the appellant No.2 shall continue to in the custody of the State until they are repatriated to their own country. As and when the respondents take steps for push back, they shall be released as per procedure.

[8] It is needless to observe that at the time of push back whatever the belongings of the appellants were seized by the concerned respondents authority, the same be handed over under proper acknowledgement following all necessary procedures.

[9] With the above observations and directions, the instant appeal is disposed of. As a sequel, miscellaneous application(s), pending if any, shall also stand closed.

[10] Send down the LCR.

DR. T. AMARNATH GOUD, J

Sabyasachi G.

